

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	STIPULATION AND ORDER FOR
	:	<u>RELEASE OF PROPERTY</u>
-v.-	:	
	:	15 Cr. 444 (GBD)
RICHARD MALCOLM,	:	
	:	
Defendant.	:	
- - - - -	x	

WHEREAS, on or about July 10, 2015, RICHARD MALCOLM (the "defendant"), and another, were charged in a two-count Indictment, 15 Cr. 444 (GBD) (the "Indictment"), with interstate transportation of stolen property, in violation of 18 U.S.C. §§ 2314 and 2 (Count One); and conspiracy to commit wire fraud, in violation of Title 18 U.S.C. § 1349 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation, seeking forfeiture to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, of any property, real or personal, which constitutes, or is derived from proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, on or about November 12, 2015, the defendant pled guilty to Counts One and Two of the Indictment;

WHEREAS, on June 17, 2016, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Properties/Money Judgment (the "Preliminary Order of Forfeiture"), (D.E. 39), imposing a forfeiture money judgment in the amount of \$114,500 in United States currency, and forfeiting all of the defendant's right, title and interest in, *inter alia*, the following:

- a. All documents recovered on or about April 9, 2015 from the New York Historical Society and listed on Schedule A;
- b. All documents recovered on or about May 12, 2015 from Rebecca Malcolm and listed on Schedule B;

(collectively, the "Subject Property");

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Specific Properties was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) beginning on April 28, 2018 for thirty (30) consecutive days, through May 27, 2018, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on DATE (D.E. XX);

WHEREAS, on or about August 10, 2018, notice of the Preliminary Order of Forfeiture was sent by Federal Express, to:

- a. Kurt Pitzer;

- b. Lawrence Rearick;
- c. Ryan Drobot;
- d. Thomas Reynolds;
- e. Don McCuem;
- f. Shawn Thomas;
- g. Reynold Paris;
- h. Bill O'Reilly;
- i. Nathan Raab;
- j. Richard Zack, attorney for Nathan Raab;
- k. John C. Conrad, attorney for Jerome Ruzicka;
- l. Marylyn Lee Allen;

(the "Noticed Parties");

WHEREAS, on or about September 18, 2018, Marylyn Virginia Leet and Robert Townsend Leet (the "Claimants") submitted a petition to the Government claiming an interest in the Subject Property;

WHEREAS, thirty (30) days have expired since final publication of the Notice of Forfeiture and no other petitions or claims to contest the forfeiture of the Subject Property have been filed;

WHEREAS, the Defendant, the Claimants, and the Noticed Parties are the only persons and/or entities known by the

Government to have a potential interest in the Subject Property;  
and

WHEREAS, the United States and the Claimants wish to  
resolve this matter without further litigation;

IT IS HEREBY STIPULATED AND AGREED, by and between the  
plaintiff, United States of America, by its attorney Audrey  
Strauss, Acting United States Attorney, Assistant United States  
Attorney Jordan Estes, of counsel, and the Claimants, that

1. The Government shall not seek the forfeiture of  
the Subject Property and shall release the Subject Property to  
the claimants, Marilyn Virginia Leet and Robert Leet.

2. The Claimants are hereby barred from asserting,  
or assisting others in asserting, any claim against the United  
States (including but not limited to the Department of Justice  
("DOJ"), the United States Attorney's Office for the Southern  
District of New York ("SDNY-USAO"), the FBI, and the USMS, and  
any agents and employees of the United States, in connection  
with or arising out of the seizure, restraint, and/or  
constructive possession of the Subject Property, including, but  
not limited to, any claim that there was no probable cause to  
seize the Subject Property, that the Claimants are a prevailing

party, or that the Claimants are entitled to attorney's fees or any award of interest.

3. The Claimants represent that they are the sole owners of the Subject Property and agrees to hold harmless the United States (including but not limited to the DOJ, the SDNY-USAO, the FBI and the USMS), and any agents and employees of the United States, from any and all claims in connection with or arising out of the seizure, restraint, and/or constructive possession of the Subject Property, including but not limited to any third-party claims of ownership of the Subject Property.

4. The Claimants hereby agree to waive all rights to appeal or otherwise challenge or contest the validity of this Stipulation and Order for Release.

5. Each party to this Stipulation and Order shall bear its own costs and attorney's fees.

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6. This Stipulation may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed the complete Stipulation. Fax or PDF copies shall be treated as originals.

Agreed and consented to:

AUDREY STRAUSS  
Acting United States Attorney for the  
Southern District of New York

By: /s Jordan Estes  
JORDAN ESTES  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
Tel.: (212) 637-2543

09/30/2020  
DATE

MARILYN VIRGINIA LEET  
Claimant

By: Marilyn Virginia Leet  
MARILYN VIRGINIA LEET

09-29-2020  
DATE

ROBERT LEET  
Claimant

By: [Signature]  
ROBERT LEET

7.27.20  
DATE

SO ORDERED:

George B. Daniels  
HONORABLE GEORGE B. DANIELS  
UNITED STATES DISTRICT JUDGE

OCT 01 2020  
DATE

**Schedule A**

Ref. No.	Item	Description	Size
7	Grant, Gen. U.S., Autograph Dispatch	signed. City Point, July 8, 1864. To Maj. Gen Halleck, Washington. Oblong 8vo -- Short ALS to Halleck advising Ord is in good health and mentions he can send him to repalce Sigel. Tone of urgency in his letter	Oblong 8vo
33	Grant, Gen. U.S., Autograph Dispatch	signed, 4to. - City Point, Aug 22, 1864. To Maj. Gen Meade.	4to
37	Grant, Gen. U.S., Autograph Dispatch	signed, 4to. Head Quarters, Fort Powhattan, Aug 23, 1864, 1:15 To Meade:	4to
47	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, City Point, Aug 25, 1864, To Maj. Gen. Meade.	4to
71	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, City Point, Sept 4, 1864, To Maj. Gen. Parks.	4to
79	Grant, Gen. U.S., Autograph Dispatch	signed, 4to. Head Quarters, City Point, Sept 12, 1864. To Maj. Gen Butler -- on HQ Armies of US letterhead.	4to
88	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, City Point, Sept 22, 1864, To Maj. Gen. Meade. on HQ Armies of US letterhead. on HQ Armies of US letterhead.	4to
106	Grant, Gen. U.S., Autograph Dispatch	signed, in the hand of his Aide-de-Camp, 8vo, in pencil. Deep Bottom, Sept 29 (1864), 4:45 P.M.. To Maj. Gen. Butler. 8vo.	8vo
107	Grant, Gen. U.S., Autograph Dispatch	signed, in the hand of his Aide-de-Camp, in pencil. Deep Bottom, Sept 29 1864, 3:30 P.M.. To Maj. Gen. Butler. 8vo	8vo
108	Grant, Gen. U.S., Autograph Dispatch	signed, in the hand of his Aide-de-Camp, 8vo, in pencil. Deep	8vo

**Schedule A**

137	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, City Point, Dec 6, 1864, To Gen. Maj. Butler.	4to
	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, Head Quarters, City Point, Dec 9, 1864. To Maj. Gen Meade. on HQ Armies of US letterhead.	4to
150	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, Head Quarters, City Point, Dec 10, 1864. To Gen. Turner. 4to. on HQ Armies of US letterhead.	4to
153	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, Head Quarters, City Point, Dec 10, 1864. To Maj. Gen. Meade. on HQ Armies of US letterhead.	4to
202	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, City Point, Jan 9, 1865. To Maj. Gen. H.W. Halleck (cipher)	4to
213	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, City Point, Jan 24, 1865. To Maj. Gen. Gibbs (Henkel's reads "Gibb" but it is Gibbons)	4to
215	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, Head Quarters, City Point, Jan. 24, 1865. To Hon. G.V. Fox Asst Sec. Navy -- on HQ Armies of US letterhead.	4to
216	Grant, Gen. U.S., Autograph Dispatch	signed, 2 pages, 4to, City Point, Jan. 24, 1865. To Maj. Gen. Gibbons	8vo
227	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, City Point, Feb. 3, 1865. To Hon. E.M. Stanton, Sec. (Cipher)	4to
228	Grant, Gen. U.S., Autograph Dispatch	4to, City Point, Feb. 4, 1865. To Maj. Gen Halleck, Washington. (Cipher)	4to
232	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, Head Quarters, City Point, Feb. 4, 1865. To Hon. (Cipher)	4to
235	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, City Point, Feb. 5, 1865. To Hon. E.M. Stanton, Sec. (cipher)	4to
236	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, Head Quarters, Feb. 5, 1865. To Maj. Gen. Meade -- on HQ Armies of US letterhead.	4to
261	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, City Point, Feb. 16, 1865. To Lt. Col. Muftord,	4to



## Schedule A

265	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, Head Quarters, City Point, Feb. 17, 1865. To Maj. Halleck -- on HQ Armies of US letterhead. (Cipher)	4to
269	Grant, Gen. U.S., Autograph Dispatch	signed, 2 pages, 4to, City Point, Feb. 18, 1865. To Hon. E.M. Stanton (cipher)	4to, 2 pp
297	Grant, Gen. U.S., Autograph Dispatch	signed, 2 pages, 4to, Head Quarters, City Point, Feb. 26, 1865. To Col. Mulford. (Cipher)	4to
303	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, Head Quarters, City Point, Feb. 27, 1865. To Maj. Ord. -- on HQ Armies of US letterhead	4to
304	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, City Point, Feb. 27, 1865. To Brig. Gen. Graham	4to
325	Grant, Gen. U.S., Autograph Dispatch	signed, 2 pages, 4to, City Point, March 2, 1865. To Gen. Turner. (cipher) -	4to, 2 pp
326	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, City Point, March 3, 1865. To Maj. Gen. Gibbons.	4to
343	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, Head Quarters, City Point, March 3, 1865. To Commodore Radford -- on HQ Armies of US letterhead	4to
361	Grant, Gen. U.S., Autograph-Dispatch Portion of Dispatch is in Grant's hand	signed, 4to, City Point, March 9, 1865. To Hon. E.M. Stanton -- portion of dispatch is in Grant's hand AND signed by Grant. -- on HQ Armies of US letterhead . (Cipher)	4to, 2 pp
370	Grant, Gen. U.S., Autograph Dispatch	signed, 2 pages, 4to, City Point, March 12, 1865. To. Hon. E.M. Stanton (cipher)	4to, 2 pp
382	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, Head Quarters, City Point, March 14, 1865. To Edwin Stanton -- on HQ Armies of US letterhead (cipher)	4to, 2 pp

**Schedule A**

385	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, Head Quarters, City Point, March 14, 1865. To Commodore Radford -- on HQ Armies of US letterhead	4to
412	Grant, Gen. U.S., Autograph Dispatch	signed, 4to, Head Quarters, City Point, March 20, 1865. To Maj. Gen Halleck -- on HQ Armies of US letterhead. (Cipher)	4to, 2 pp
448	Grant, Gen. U.S., Autograph Dispatch	All content is in Grant's hand, but signed in another hand, 4to Head Quarters, City Point, March 27, 1865 To Sidney S. Jermon -- on HQ Armies of US letterhead	4to, 2 pp
493	Wilson, James F, one of the Managers of the Impeachment Trial of Andrew Johnson. Autograph letter	signed, 4to. Washington, July 19, 1867. To Gen Grant -- on Fortieth Congress US letterhead.	4to
Not found	Special Order,	signed by Grant appointment	??
NAC ?03 Henkel Ref. 488	Letter of unknown origin	This is assumed to be the Seward ALS; Image ?03 - On Department of State Washington Nov. 28, 1864 to Lt. Gen'l Grant. Full Signature "William H. Seward"	
NAC 106	Map	Map of Northern VA War Dept. 1865 -- linen backed folding map - No provenance other than Leet lineage	25" x 21"
NAC 105	Signed CDV's	Group of 15 signed CDVs, US Generals, all autographed with name and rank/title	16mo
211	Grant ADS	signed small 4to, Jan'y 20, 1865 to Maj. Eckert (cipher)	8vo
NAC101	Group of 7, 16mo cards each containing ADSs - All pencil signed by Grant with intitles "USG" -- some have text and signature on verso	Mixed content -- most related to leaves of absences, furloughs, and passes.	16mo

**Schedule A**

NAC102	Group of nine printed General Orders from HQ Armory of Northern Virginia, all 8vo and printed -- some multiple pages orders by: R.H. Chilton as A.A. General & I.G. and others by Robert E. Lee.	Interesting Confederate association artifacts -- most printed on both sides -- No confederate currency was found with this group.	8vo
NAC 103	Group of five Harry Truman photographs 10x8, B&W sitting poses	Truman in suit and tie, seated in leather arm chair	10x8
NAC 104	Grant inaugural invitation with original envelope	To A.B. Leet Esq... with original stamped envelope	large 4to
NAC 107	Group of 21 Letters from Col Bowers most to Leet. Solid archive.	Primarily ALSs 1864-1865 -- A variety of content, primarily war-related, associated with his duties. Grant-related content as well. Many on HQ Armies of the US letterhead.	8vo and 4to
NAC 108	Group of 9 letters form Col Babcock, most to Leet. Good content, both military and personal.	Primarily ALSs 1864 mixed, most ALSs - Letter form Gideon Wells in this lot. Many on HQ Armies of the US letterhead.	8vo and 4to,
NAC 109	Group of 5 Letters from Gen Rawlins - to Leet. Solid archive	Primarily ALSs 1864 - Mostly war related content, associated with his duties. Grant-related content as well. Many on HQ Armies of the US letterhead.	8vo on 4to leaf
NAC 110	Group of 8 letters and one envelope (with note) from Col Badeau	mixed, most ALSs. Envelope is 12mo with blue wax pencil.	8vo

## Schedule A

NAC 111	Sheridan and his generals -- Brady Studio mark on high-quality photograph, typical original mount. Six total.	mounted to have stock marked "Brady" "Washington" below image: Most likely: Sheridan Wilson, Merritt, Gregg, Davies, Torbert (per ID on verso)	7x9-1/4
NAC 112	Glass plate negative -- US Grant		7-7/8 x 9-7/8
NAC 113	Glass plate negative -- ID'd as Theodore Roosevelt Inauguration	damaged -- section of glass broken off and not present	7-15/16 x 9-15/16
NAC 114	Group of 54 letters related to Leet -- some Grant ALS's and Grant DSS.	most war date: Includes an ANS - IOU for \$2.00 signed "U.S. Grant" and ANS giving order to provide equipment and command. Signed "USG" NOTE: This item may be the "Special Order Signed By Grant" in the "Grant Inventory pg 1" listing	4to and 8vo

Case 1:15-cr-00444-KTD Document 29-2 Filed 08/18/16 Page 1 of 2  
**Schedule B**

770	One book of early photo repros/photostats of Grant letters bound in red leather binder and cloth case	16" x 13"	photostat negative images of various letters -- sample photographed --
NAC 502	12x18 inch negative - 5/6/1865 Harper's Weekly	x	
NAC 501	12x18 inch negative- 5/6/1865 Frank Leslie's Illustrated	x	
NAC 503	Laminated Harper's Weekly 5/20/1865	x	
NAC 504	Leather-bound photo album with 65 photos	6x9	Individual photos are unidentified at this point -- Assumed to be Leet family related. None are readily recognizable. Major damage to album.
NAC 505	1866 Army Register	8vo	
NAC 506	2/5/1964 Lincoln Birthday Dinner card	9-1/2 x 6-1/4"	Indian Spring Country Club
NAC 507	Photograph of Abraham Lincoln dated 8/25/1858	6-1/2 x 4-1/4	Cabinet photo - Rider / Chicago -- This appears to be a mirror image copy of the T. Painter Pearson's 1858 ambrotype -- Ostendorf O-8 Circa 1890. Pencil verso note "1858 Aug 25th"
NAC 508	Book - Narrative of the Campaign- Valley of Shenandoah in 1861, by Robert Patterson	4to	damaged
NAC 509	Book - Battle of Waterloo, by Victor Hugo	8vo	damaged
NAC 510	Book - Anna Karenina, Vol. 1, by Count Tolstoy	16mo	damaged
NAC 511	Book - Sherlock Holmes detective stories by A. Conan Doyle	16mo	damaged

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